



2013 ASSEMBLY BILL 124

1 **AN ACT** *to repeal* 346.89 (2); *to amend* 346.89 (1) and 346.95 (1); and *to create*
2 346.89 (5) and 346.89 (6) of the statutes; **relating to:** inattentive driving and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 346.89 (1) of the statutes is amended to read:
5 346.89 (1) No person while driving a motor vehicle ~~shall be so~~ may be engaged
6 or occupied as with an activity, other than driving the vehicle, that interferes or
7 reasonably appears to interfere with the safe driving of such vehicle person's ability
8 to drive the vehicle safely.

9 **SECTION 2m.** 346.89 (2) of the statutes is repealed.

10 **SECTION 3.** 346.89 (5) of the statutes is created to read:

ASSEMBLY BILL 124**SECTION 3**

1 346.89 (5) Subject to subs. (3) and (6), no person while driving a motor vehicle,
2 other than an authorized emergency vehicle, a commercial motor vehicle described
3 in s. 340.01 (8), or a tow truck, may operate or be in a position to directly observe any
4 electronic device located within the vehicle that is activated and that is providing
5 entertainment primarily by visual means. This subsection does not prohibit a person
6 from using a cellular telephone for purposes of verbal communication.

7 **SECTION 4.** 346.89 (6) of the statutes is created to read:

8 346.89 (6) Subsection (5) does not apply to any of the following:

9 (a) Any global positioning system device.

10 (b) The display by any device of information related to the operation,
11 navigation, condition, radio, or safety of the vehicle or that is intended to be used to
12 enhance the driver's view forward, behind, or to the sides of a motor vehicle.

13 (c) The display by any device of information related to traffic, road, or weather
14 conditions.

15 (d) Any device in a vehicle that permits the vehicle driver to monitor vehicle
16 occupants seated rearward of the driver.

17 (e) Any device installed or mounted, either permanently or temporarily, in the
18 vehicle that, with respect to the vehicle operator, functions as provided in par. (a), (b),
19 (c), or (d) while simultaneously providing entertainment visible only from passenger
20 seats of the vehicle.

21 **SECTION 5.** 346.95 (1) of the statutes is amended to read:

22 346.95 (1) Any person violating s. 346.87, 346.88, 346.89 ~~(2) or (4), or (5)~~, 346.90
23 to 346.92 or 346.94 (1), (9), (10), (11), (12) or (15) may be required to forfeit not less
24 than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than
25 \$100 for the 2nd or subsequent conviction within a year.

